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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17904 of 2022

V.Sumathi

... Petitioner/Accused-2

Vs

The State Rep.by
The Inspector of Police,
Kallimandayam Police Station,
Kallimandayam,Dindigul District.
(Cr No.520/2021).

... Respondent/Complainant

For Petitioner : M/s.Sureshkumar S.R.,

For Respondent : Mr.S.Manikandan
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr No.520/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.520 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused had illegally transported 3 units of red sand, without any valid permit. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has already

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paid the amount, at the time of release of his vehicle.

4. On the side of prosecution, it is stated that the accused is not having any previous case at his credit and strongly opposed to grant anticipatory bail.

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5. Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Ottanchathiram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Wednesday at 10:30am., for a period of four weeks;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO:

1. The Judicial Magistrate, Ottanchathiram.
2. -do-Through The Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
Kallimandayam Police Station,
Kallimandayam, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17904 of 2022

Date :06/10/2022

RD/TR(11/10/2022) 3P 5C